

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 5516 of 2015

CRIME NO. 978/2015 OF KADAVANTHRA POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED NO.3:

**JYOTHIS NIRMAL, AGED 25 YEARS,
D/O.JOSE MARHEW, HOUSE NO.40, IIIRD CROSS ROAD,
JUDGES AVENUE, KALOOR, ERNAKULAM - 682 017.**

**BY ADVS.SRI.D.PEETHAMBARAN
SRI.PRASAD GANDHI
SMT.E.SHEENA**

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KADAVANTHRA POLICE STATION, KADAVANTHRA P.O.,
ERNAKULAM - 682 020, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5516 of 2015

Dated this the 8th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the third accused in Crime No.978 of 2015 of Kadavanthra Police Station registered for offences punishable under Sections 379, 468, 471 and 420 read with Section 34 of the Indian Penal Code.

3. It is alleged that the accused persons with an intention to cheat the defacto complainant as well as the Bank of Baroda committed theft of cheque leaves from the possession of the defacto complainant. Second accused was the driver of the defacto complainant. It is also alleged that this petitioner lives with the second accused. After forging the signature, the accused persons withdrew money from the bank is the prosecution case.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner has no connection with the crime. Learned Prosecutor opposed the bail application.

Considering the materials in the case diary, I am of the view that the petitioner cannot be granted a pre-arrest bail. She shall surrender before the investigating officer within a period of one week and submit herself for interrogation. Thereafter, the investigating officer shall produce her before the Magistrate having jurisdiction on the date of surrender itself. In that event, she is free to move for bail and the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of production itself. If she does not surrender before the investigating officer within the said time, the investigating officer is free to arrest her, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

cks